

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

RICKY ALLEN DENNIS,

Plaintiff,

vs.

UNITED STATES, U.S. MARSHALL,
and U.S BUREAU OF PRISONS,

Defendants.

CV 15-00117-BLG-SPW-CSO

ORDER

On November 6, 2015, Plaintiff Ricky Dennis submitted a document which was liberally construed as a civil complaint. *ECF 1*. On November 16, 2015, the Clerk of Court wrote Dennis a letter explaining that his document had been received and a civil case had been opened. The letter explained that, in order to proceed, Dennis must either submit a motion to proceed in forma pauperis or pay the \$400.00 filing fee. Dennis was provided a form for filing a motion to proceed in forma pauperis and a form for filing a civil complaint.

On November 30, 2015, Dennis submitted the civil complaint form completed stating that he was suing for “impairing the obligation of

contracts, Art. 1 § 10, procedural due process violation, 5th and 14th Amendment.” *ECF 3 at 6*. He did not, however, submit the form for filing a motion to proceed in forma pauperis and did not pay the \$400.00 filing fee. On December 1, 2015, Dennis filed what a promise to pay the filing fee. *ECF 4*.

On December 8, 2015, an Order was issued giving Dennis until December 30, 2015 to pay the statutory filing fee of \$400.00 or submit a motion to proceed in forma pauperis. *ECF 8*. Dennis did not respond.

To institute a civil action in federal court, a plaintiff must either pay a filing fee of \$400.00 as required by 28 U.S.C. § 1914(a) or file a motion to proceed in forma pauperis under 28 U.S.C. § 1915. Here, no case has been initiated because Dennis has submitted neither the filing fee nor a motion to proceed in forma pauperis. Dennis’s Complaint has not been filed, it was simply lodged with the Court.

ACCORDINGLY, the Clerk of Court is directed to terminate all pending motions and close this matter.

DATED this 11th day of January, 2016.

/s/ Carolyn S. Ostby
United States Magistrate Judge